



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/750,210  | 01/02/2004  | Keneth K. Cyr        | CRNL111423          | 6655             |
| 46169   | 7590        | 06/05/2006           | EXAMINER            |                  |
| SHOOK, HARDY & BACON L.L.P.<br>Intellectual Property Department<br>2555 GRAND BOULEVARD<br>KANSAS CITY, MO 64108-2613 |             |                      | DUNHAM, JASON B     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3625                |                  |

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/750,210 | <b>Applicant(s)</b><br>CYR ET AL. |  |
|                              | <b>Examiner</b><br>Jason B. Dunham   | <b>Art Unit</b><br>3625           |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/1/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-38 rejected under 35 U.S.C. 102(b) as being anticipated by DeBusk (U.S. Patent No. 5,682,728).**

Referring to claim 1. DeBusk discloses a system for automatically fulfilling orders for clinically related supplies, comprising:

- An interface to a supply chain engine, the supply chain engine automatically generating at least one order for clinically related supplies based upon supply consumption data documented for at least one clinical event reported from at least one clinically related site (DeBusk: column 5, lines 6-21); and
- A fulfillment engine, communicating with the interface to the supply chain engine, the fulfillment engine triggering delivery of clinically related supplies based at least upon the at least one order for clinically related supplies (DeBusk: column 4, lines 51-65).

Referring to claim 2. DeBusk further discloses a system wherein the clinically related site comprises a hospital facility (DeBusk: column 1, lines 13-39).

Referring to claim 3. DeBusk further discloses a system wherein the supply inventory data comprises clinically available quantities of surgical devices (DeBusk: column 1, lines 36-48 and column 2, lines 29-40).

Referring to claim 4. DeBusk further discloses a system wherein the supply chain engine generates the at least one clinical supply order based upon at least one clinical quantity threshold (DeBusk: column 3, lines 25 – 50).

Referring to claim 5. DeBusk further discloses a system wherein the at least one order for clinically related supplies comprises a purchase order (DeBusk: column 2, line 41 – column 3, line 24).

Referring to claims 6-7. DeBusk further discloses a system wherein the supply inventory data comprises supply codes captured in the at least one clinically related site and are manually entered codes (DeBusk: column 3, lines 25-50).

Referring to claim 8. DeBusk further discloses a system wherein the at least one order comprises a plurality of orders, and the fulfillment engine aggregates the order for clinically related supplies for delivery (DeBusk: figure 3).

Referring to claim 9. DeBusk further discloses a system wherein the orders for clinically related supplies are aggregated for a plurality of clinical departments (DeBusk: column 3, lines 25-50).

Referring to claim 10. DeBusk further discloses a system wherein the at least one order for clinically related supplies is associated with an individual patient supply record (DeBusk: column 6, lines 47-59).

Referring to claim 11-12. DeBusk further discloses a system wherein the fulfillment engine triggers delivery of the at least one order for clinically related supplies based upon the at least one order for clinically related supplies and upon a set of rules (DeBusk: column 4, lines 51-65), the set of rules comprising a set of selectors based upon patient condition information (DeBusk: column 4, lines 30-65).

Referring to claims 13-14. DeBusk further discloses a system wherein the fulfillment engine is local or remote to the at least one clinically related site (DeBusk: column 5, lines 6-21).

Referring to claims 15 - 38. Claims 15-25 are rejected under the same rationale set forth above. DeBusk discloses a method and apparatus according to claims 15-38.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ladouceur (U.S. Patent Application Publication No. 2002/0082866) discloses a system and method for integrated management of medical product information.
- Moore (U.S. Patent Application Publication No. 2004/0044546) discloses a system and method for integrating steps taken by medical providers during the process of care for a patient's given condition.
- Zimmerman (U.S. Patent Application Publication No. 2004/0098286) discloses a system and method for preparing for a clinical event.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD  
Patent Examiner  
5/30/06

  
Primary Examiner